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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,573

08/26/2003

David Douglas Briick

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7590

08/01/2005

MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C.
1899 POWERS FERRY ROAD
SUITE 310
ATLANTA, GA 30339

EXAMINER

SWARTHOUT, BRENT

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,573

Applicant(s)

BRIICK, DAVID DOUGLAS

Examiner

Brent A. Swarthout

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 25 and 26 is/are allowed.
6) ☒ Claim(s) 1-9, 13, 23 and 24 is/are rejected.
7) ☒ Claim(s) 10-12 and 14-22 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jefferies et al. in view of Crocker et al.

Jefferies discloses a vehicle verification and control system comprising processor means 3 carried by a vehicle 33 to command vehicle controllers 18, receiver means 28, transmitter means 30, and monitoring means 1 for recording receipt of incoming signal at memory 5 (col. 4, lines 1-2) and for determining vehicle proximity with GPS 9, except for specifically stating that the controllers is a master computer, or that operator control is overridden and performance parameters are dictated.

It would have been obvious to one of ordinary skill in the art to use computer to control vehicle disablement, in order that one processing means could have controlled plural elements, making for a more efficient system.

Furthermore, Crocker teaches desirability of overriding vehicle controls by limiting the speed of a vehicle if a vehicle is indicated as stolen (col.4, lines 61-67).

It would have been obvious to limit vehicle speed as suggested by Crocker as opposed to completely disabling a vehicle in a system as

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disclosed by Jefferies, in order to allow a vehicle to be recovered without presenting a hazard on the road due to a non-functioning vehicle. Since speed is limited, the limiting command would have used a specific performance parameter of speed to which the vehicle could not exceed.

Regarding claims 4-9, choosing a specific type of signal would have been obvious to one of ordinary skill in the art, each having its own advantages that would have been evident and desirable for use to an ordinarily skilled artisan.

Regarding claim 23, Jefferies teaches use of target antenna for receivers 10 and 28 on vehicle which would have received overhead signals from means 11 and 30.

2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jefferies et al. in view of Crocker et al. and Bantli.

Bantli teaches desirability of deactivation of a device with processor 24 upon tampering (col. 3, lines 53-56).

It would have been obvious to use tamper disablement means as suggested by Bantli in conjunction with a vehicle control system as disclosed by Jefferies and Crocker, in order to prevent unauthorized usage of a vehicle.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jefferies et al. in view of Crocker et al. and Claus et al

b. Claus teaches desirability of transmitting a signal to a traffic surveillance device to record vehicle by camera when an abnormality is sensed.

It would have been obvious to remotely activate a traffic surveillance camera as suggested by Claus in conjunction with a system as disclosed by Jefferies and Crocker, in order to identify an improperly operated vehicle.

Choosing to have the target communicate with the surveillance device as opposed to the interrogator 14 would have been obvious, merely depending on whether it was desired to have control at an official tracking vehicle 10 or a violating vehicle 11.

4. Claims 10-12 and 14-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 25-26 are allowed.
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brent A Swarthout
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**